

FAIR HOUSING

Update

Volume 10, Issue 1

January 2005

Seattle amends law to strengthen fair housing protection

By the Seattle Office for Civil Rights

The City of Seattle recently amended the Unfair Housing Practices section of the Seattle Municipal Code. The amendments are designed to:

- Bring Seattle's law in line with HUD's "substantial equivalency" requirement.
- Streamline the City's anti-discrimination laws and to make them easier to understand and enforce. As part of the change, anti-discrimination laws in public accommodations were separated out from the housing ordinance and placed in their own chapter.
- Strengthen civil rights protections in several respects:
- Charging parties now have two years (changed from one year) to file a civil action to enforce fair housing laws;
- The Seattle Office for Civil Rights can try to intervene when there is reasonable cause to believe an unfair practice is about to occur;
- Penalties for fair housing violations have been increased;
- Discrimination in access to multiple listing services is prohibited.

In addition, the amended law requires real estate and mortgage lending offices to post fair housing posters on their premises to educate their customers about fair housing. The Seattle Office for Civil Rights (SOCR) provides posters to property

owners free of charge. The posters also are available on SOCR's web site at <http://www.cityofseattle.net/civilrights/documents/1408Eng.pdf>.

The intent of SOCR's proposed rule is to promote fair housing, not to seek out and punish anyone. Under the rule, companies who did not display a fair housing poster would have three days to comply. Failure to comply after three days could result in a penalty of \$500 imposed for each day of violation.

The public has until February 15 to comment on this proposed rule. Please address your comments in writing to:

Germaine W. Covington, Director
Seattle Office for Civil Rights
700 Third Ave. Suite 250
Seattle, WA 98104-1849

Have a question about fair housing in Seattle? Call the Seattle Office for Civil Rights at 206-684-4500 (TTY 206-684-4503), or find SOCR on the Web at www.seattle.gov/civilrights.

New Advanced Fair Housing Seminar available

by Roxanne Vierra, King County Office of Civil Rights

Many of you are familiar with the free Quarterly Fair Housing Workshops at the Jackson Federal Building in downtown Seattle. These 3-hour workshops provide a thorough overview of the federal Fair Housing Act as well as local fair housing laws and ordinances. They are sponsored jointly by the U.S. Department of Housing and Urban Development, the Washington State Human Rights Department, the King County Office of Civil Rights and the Seattle Office for Civil Rights, all of which provide speakers who are experienced fair housing specialists.

Now there is another way to learn about fair housing laws and how they apply to your rental properties. A free quarterly 1½-hour Advanced Fair Housing Seminar will be available beginning in 2005.

The advanced seminars will provide detailed information about many fair housing topics such as reasonable accommodations for people with disabilities, service animals, occupancy standards, domestic violence issues, advertising, and more. Seminar attendees will gain a better understanding of fair housing laws and confidence in analyzing real-life situations for best practices in fair housing law compliance.

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Questions & Answers

Q. Mark and Kim Wilson and their son and daughter are interested in renting an apartment with two large bedrooms. Property manager Chiles tells them they can only rent a three bedroom unit, because their children must have separate bedrooms. Is this discriminatory?

A. Fair housing laws prohibit housing providers from requiring children of opposite sexes to have separate bedrooms. Mr. Chiles should allow the Wilsons to rent the two bedroom unit. In addition, the number of occupants in a unit may not be unreasonably limited so that families with children are discriminated against. In some cases, it might be unreasonable to establish a limit of two people per bedroom. If a complaint is filed, fair housing agencies will assess the reasonableness of the occupancy standard based on the number and size of the bedrooms and the overall size of the unit. It is advisable for housing providers to be familiar with their local building codes, which often permit two occupants per 70 square foot bedroom and three occupants per 120 square foot bedroom.

Q. Owner Jay Barnes checks on the rental history for all prospective tenants. He discovers that applicant Maurice Jefferson has a history of disturbing neighbors and owns two inoperable vehicles that he wants to store at the complex. Barnes decides not to rent to Jefferson. Does this violate fair housing laws?

A. Checking on the rental history of his applicants is a smart thing for Barnes to do, because the information gathered from former housing providers is often useful. In this situation, the former landlord tells Barnes that Jefferson was a problem tenant who engaged in undesirable behaviors. Barnes isn't taking Jefferson's protected class into account. Instead, he's basing

his decision on this applicant's documented history of poor tenancy. This is a reasonable basis on which to deny Jefferson rental.

Q. The written rules for the Gray Tower Apts state "children are not to leave toys on the stairs and may not run in the hallways" and "children are not allowed to play in the courtyard after 7:00 pm." Does this violate fair housing laws?

A. Rules that apply only to children are not permitted under fair housing laws. Housing providers must make sure their policies are applicable to all residents. For example, tenants are responsible for items from their units, which should not be left in common areas or where they might create a hazard to other residents. It would be discriminatory to single out only "children's toys" as not being allowed in common areas. Curfews or restrictions on the hours children may be outside their units are not allowed under fair housing laws. Policies outlining quiet hours and limiting noise should be contained in the rules and regulations and must be applicable to all residents. Civil rights agencies welcome calls from housing providers with questions regarding tenant rules language.

Q. The West Sound Apts have a smoke-free rule. A tenant complains that the neighbors below him smoke on their balcony and that the smoke enters his apartment. When manager Carl tells the neighbors that they must honor the no-smoking rule, they accuse him of discrimination. Are they right?

A. Being a smoker is not a protected class under fair housing laws. It is not discriminatory for Carl to enforce the no-smoking policy.

Q. Jack has people of various races on his maintenance staff. A resident in the complex who

requested some repair work has asked Jack not to send a black employee to do repairs. What should Jack do?

A. If Jack were to honor the resident's request, he would be engaging in employment discrimination against his African American employees by limiting their work responsibilities because of their race. The federal and local civil rights laws prohibit this type of action.

Jack should tell the resident that work orders are completed by the maintenance person most capable of doing the job and is first available, and that the employee's race is not a factor in his decision. Jack should process the repair request normally, having it completed by whichever employee would normally handle it. If that employee is an African American and the resident refuses the employee entry, Jack should be sure to document the situation fully.

Q. Tenant Beckwith tells the manager that another tenant has been calling his family racially derogatory names. The manager tells Beckwith to handle it themselves because it is a private dispute. Did the manager do the right thing?

A. When any tenant complains about harassment by another tenant, housing providers should not ignore the situation as a "private" dispute to be handled by the tenants. Some tenant disputes may be discriminatory, including those that are motivated by a tenant's race, creed, color, sex, national origin, familial status, marital status, and disability (and other protected classes such as sexual orientation if the property is located in Seattle or unincorporated King County). The manager should definitely check out Beckwith's harassment complaint.

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Questions & Answers

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The fair housing laws make it unlawful to coerce, intimidate, threaten, or interfere with any person's rights. If a housing provider knows (or should know) of an intimidating or threatening situation that violates the fair housing laws and does nothing to stop the harassing behavior, the provider might be found in violation of the laws. Failure to investigate, to attempt resolution, or to take action to stop harassing behavior may leave a housing provider (and also the harassing resident) open to a fair housing complaint. The housing provider should make reasonable attempts to rectify a resident's harassing behavior toward another resident.

Given the potential for liability, the manager should take the following steps: Document all complaints of harassment. Conduct an immediate internal investigation by talking to the parties involved and any witnesses to the harassment. If necessary, begin progressive action toward the offending neighbor to halt the harassment. This could include issuing a notice to comply or vacate, or in serious situations, issuing a notice to vacate. Keep a record of all actions and let the complaining resident know what was done. Also, the manager should make sure that everyone, including residents and employees, understands that such harassment won't be tolerated.

For more information about how to establish a nonharassment policy or what to do about tenant harassment, check out the "Tenant on Tenant Harassment Sample Policy" written by the Fair Housing Partnership of Washington, available online at www.metrokc.gov/dias/ocre/sample1.htm. Or get your free copy in the mail by calling KCOCR at 206-296-7592.

Training focuses on fair housing and mortgage lending

By the Seattle Office for Civil Rights

Real estate professionals and nonprofit housing advocates discussed fair housing issues in mortgage lending at a Fair Housing Training Seminar on November 30, 2004, sponsored by the Seattle Office for Civil Rights (SOCR).

The training included the results of a recent analysis by the National Fair Housing Alliance (NFHA) of Seattle-King County mortgage loan data. SOCR contracted with NFHA to analyze Home Mortgage Disclosure Act data for potential patterns of racial discrimination in mortgage lending within the Greater Seattle area. This marked the first time in approximately the last ten years that anyone had taken a close look at mortgage-lending patterns in the Seattle area.

The NFHA report compared the types of mortgage loans offered to Puget Sound area residents of different races and ethnicities. The analysis showed clear patterns of disparity based on race/ethnicity both in home purchase and refinancing. Patterns of disparity occur in areas such as:

- Percentage of home loans approved for different racial/ethnic groups;
- Rejection rates for home loans different racial/ethnic groups, regardless of income level;
- Ratio of FHA loans to conventional loans among different racial/ethnic groups;
- Percentage of different racial/ethnic groups who receive sub-prime mortgage loans.

Participants at the training agreed to work together on fair housing and mortgage lending in 2005. SOCR and the regional fair housing partners plan to publicize detailed results of the study later this spring, as well as to conduct further outreach and training to the real estate and mortgage-lending communities.

Have a question about fair housing in Seattle? Call the Seattle Office for Civil Rights at 206-684-4500 (TTY 206-684-4503), or find SOCR on the Web at www.seattle.gov/civilrights.

NFHA also arranged to conduct "paired tests" of area banks/mortgage lenders to learn possible discriminatory practices and procedures.

Twenty paired-tests of mortgage lenders at the pre-application stage showed evidence of possible discriminatory practices, though it did not rise to the level of clear and pervasive discrimination.

Receive this publication via e-mail

Fax the following information to 253-591-5050

Name: _____

Address: _____

E-mail: _____

Phone: _____

Property: _____

Upcoming Events

February 9, 2005

Fair Housing Basics Workshop

9:00 a.m. - Noon

Advanced Fair Housing Seminar

1 p.m. - 2:30 p.m.

Provided by HUD, WSHRC, SOCR and KCOCR

Jackson Federal Building

South Auditorium, 4th Floor

915 Second Avenue, Seattle, WA

For additional information or to register

for either training, contact KCOCR at

260-296-7592. Online info including

driving directions and parking info:

www.metrokc.gov/dias/ocre/qtrtrain.htm

February 23 & 24, 2005

Crime Free Housing Program

8 a.m. - 5 p.m.

City of Tacoma

Central Wastewater Treatment Facility

Transmission Conference Room

2201 Portland Avenue

Tacoma, Wa 98421

For additional information contact Mary

Beth Riggs at 253-591-5160

How to reach us

**Fair Housing Center of
South Puget Sound**

253-274-9523 / 1-888-766-8800

TTY 253-274-9523

King County Office of Civil Rights

206-296-7592, TTY 206-296-7596

Website: www.metrokc.gov/dias/ocre

Northwest Fair Housing Alliance

509-325-2665 / 1-800-200-FAIR

Seattle Office for Civil Rights

206-684-4500, TTY 206-684-4503

Website: www.cityofseattle.net/civilrights

**Tacoma Human Rights and
Human Services Dept.**

253-591-5151, TTY 253-591-5153

Website: www.cityoftacoma.org/HRHS

**U.S. Dept. of Housing &
Urban Development**

206-220-5170, TTY 206-220-5185

Website: www.hud.gov/offices/ftheo

Washington State

Human Rights Commission

360-753-6770 / 1-800-233-3247

TTY 1-800-300-7525

Website: www.wa.gov/hrc

About this publication

The Washington State Fair Housing

Update is a quarterly publication of Fair

Housing Assistance Program (FHAP)

Agencies and non-profit fair housing
organizations



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Human Rights and Human Services Department

747 Market Street, Room 836

Tacoma, WA 98402-3779

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New Advanced Fair Housing Seminar

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If you have specific questions that you would like answered in detail or scenarios that you would like to discuss, bring them to the afternoon Seminar. The facilitators also can provide numerous real-life "hypothetical scenarios" for you to consider and analyze.

It is helpful to take the 3-hour Quarterly Fair Housing Workshop first, because it provides a thorough basic explanation of fair housing laws. However, the Workshop is not a required prerequisite for the Seminar. (Please note that the Advanced Seminar does not qualify as "basic fair housing training" that may be required as part of a settlement agreement.)

Information about the next training sessions:

Date & Times: Wednesday, February 9, 2005

Fair Housing Basics Workshop (9:00 a.m. to Noon)

Advanced Fair Housing Seminar (1:00 to 2:30 p.m.)

Location: Jackson Federal Building, 915 Second Avenue, Seattle

South Auditorium, 4th Floor (SW side of the building)

To register: Call 206-296-7592 or TTY 296-7596 (for either workshop)

Online info: www.metrokc.gov/dias/ocre/qtrtrain.htm

Allow time to park and get through the security checkpoint. Bring your photo ID.

Reasonable accommodations provided, call 206-296-7592, TTY 296-7596.